

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUL 26 2007

JAMES N. HATTEN, Clerk
By: *JK Piper* Deputy Clerk

ANDREW J. PERLMUTTER,

Plaintiff,

v.

REED ELSEVIER, INC. D/B/A
LEXISNEXIS,

Defendant.

Case No.

REMOVAL

1:07-CV-1762

GET

PETITION FOR REMOVAL OF CIVIL ACTION

Defendant LexisNexis, a division of Reed Elsevier Inc., incorrectly identified by Plaintiff as "Reed Elsevier, Inc. d/b/a LexisNexis," by and through the undersigned counsel, hereby petitions this Court for removal of the above-styled civil action from the Superior Court of Fulton County, State of Georgia, pursuant to 28 U.S.C. § 1332 and 1441. In support hereof, Defendant sets forth the following:

GROUND FOR REMOVAL

1. This action is removable to federal district court because of diversity of citizenship.

2. On June 27, 2007, a Summons and Complaint were served upon Defendant in an action entitled Andrew J. Perlmutter v.

Reed Elsevier, Inc. d/b/a LexisNexis, Civil Action No. 2007-CV-135657 in the Superior Court of Fulton County, State of Georgia.

3. In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint filed in the State Court Action has been attached hereto as Exhibit "A" and copies of all process, pleadings, and orders filed with the State Court in Civil Action No. 2007-CV-135657 have been attached hereto as Exhibit "B".

4. Pursuant to 28 U.S.C. § 1446(d), Defendant gave prompt written notice hereof to all parties and filed a *Notice of Filing Petition for Removal* with the Clerk of the Superior Court of Fulton County, Georgia, Civil Action No. 2007-CV-135657, simultaneously with the filing of this Petition for Removal. A true and correct copy of the Notice is attached as Exhibit "C".

5. This Petition is being filed pursuant to 28 U.S.C. § 1446(b) within thirty (30) days of receipt of the initial pleading in which it could be ascertained that the case is removable.

6. Plaintiff's Complaint alleges that:

- (a) Defendant LexisNexis breached its employment agreement with Plaintiff by failing to pay him severance and bonuses in the amount of approximately \$333,000; and
- (b) Plaintiff is entitled to recover attorneys' fees and costs pursuant to O.C.G.A. § 13-6-11.

7. In his Complaint, Plaintiff states that he is a citizen of the State of Georgia and resides in Fulton County, Georgia. (Complaint, ¶ 2). Based upon the Plaintiff's own averments, Defendant avers that Plaintiff is a citizen of the State of Georgia for purposes of federal diversity jurisdiction under 28 U.S.C. § 1332. Defendant Reed Elsevier Inc. at all material times herein was and is a "foreign corporation" doing business in the State of Georgia and is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts. Defendant Reed Elsevier Inc.'s principal place of business is also in Massachusetts. Reed Elsevier, Inc.'s LexisNexis division's headquarters are located in Ohio. Accordingly, Defendant is not a citizen of Georgia pursuant to 28 U.S.C. § 1332(c).

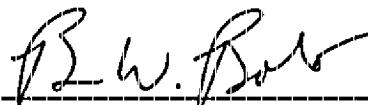
8. Based upon Plaintiff's own averments, Defendant avers that the amount in controversy exceeds \$75,000 as Plaintiff claims he is entitled to recover \$333,000 exclusive of interest and costs for breach of contract.

9. Because diversity of citizenship exists between the parties, and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, this Court has original jurisdiction over the controversy pursuant to 28 U.S.C. § 1332(a).

10. This being a civil action over which the district courts of the United States have original jurisdiction under 28 U.S.C. § 1332(a), Defendant is entitled to remove this action to the United States District Court for the Northern District of Georgia, Atlanta Division pursuant to 28 U.S.C. § 1441(a).

WHEREFORE, Defendant respectfully requests that the above-entitled action, now pending in the Superior Court of Fulton County, Georgia, Civil Action No. 2007-CV-135657 be removed therefrom to this Court.

Respectfully submitted this 26th day of July, 2007.



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